

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Penny C Miller, aka Penny Claire Mazurek Debtor. WELLS FARGO BANK, N.A., AS TRUSTEE , FOR PARK PLACE SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004- WCW1, Movant, v. Penny C Miller aka Penny Claire Mazurek, Debtor Robert A. Miller, Co Debtor/Respondent SCOTT F. WATERMAN, Esquire Trustee/Respondent	Bankruptcy No. 24-11136-amc Chapter 13 Hearing Date: May 21, 2025 Hearing Time: 11:00 A.M. Hearing Location: 900 Market Street, Suite 204 Philadelphia, PA 19107 Courtroom Number #4
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MOTION OF WELLS FARGO BANK, N.A., AS TRUSTEE , FOR PARK PLACE
SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES
2004-WCW1 FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY
TO PERMIT WELLS FARGO BANK, N.A., AS TRUSTEE , FOR PARK PLACE
SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES
2004-WCW1 TO FORECLOSE ON 977 HICKORY RIDGE DRIVE, CHALFONT,
PENNSYLVANIA 18914

Movant, WELLS FARGO BANK, N.A., AS TRUSTEE, FOR PARK PLACE SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-WCW1, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d) for a modification of the automatic stay provisions for cause, and, in support thereof,

states the following:

1. Debtor(s), Penny C Miller, aka Penny Claire Mazurek, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on April 4, 2024.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On May 19, 2004, Penny C Miller and Co-Debtor, Robert A. Miller executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of \$395,200.00 to Argent Mortgage Company, LLC. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on May 26, 2004 in Book 3977 at Page 2254 of the Public Records of Bucks County, Philadelphia. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at **977 Hickory Ridge Drive, Chalfont, Pennsylvania 18914** (“the Property”).
6. A loan modification was entered into on July 27, 2015, creating a new principal balance of \$584,009.69. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to WELLS FARGO BANK, N.A., AS TRUSTEE , FOR PARK PLACE SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-WCW1 and same was recorded with the Bucks County Recorder of Deeds on February 5, 2025, as Instrument Number 2025005195. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
8. Based upon the Debtor(s)’ First Amended Chapter 13 Plan (Docket No.21), the Debtor

intends to cure Movant's pre-petition arrearages within the Chapter 13 Plan and is responsible for maintaining post-petition payments directly to Movant. A true and correct copy of the First Amended Chapter 13 Plan is attached hereto as Exhibit "E."

9. Select Portfolio Servicing, Inc. is the servicer of the loan described in the note and mortgage and, as such, has the authority to initiate the instant action and any foreclosure on the creditor's behalf.

10. Co-Debtor(s), **Robert A. Miller**, are liable on and/or has secured the aforementioned debt with the Debtor(s).

11. Debtor has failed to make the monthly payments of principal, interest, and escrow in the amount of \$3,419.09 which came due on September 1, 2024, through March 1, 2025, respectively. See Exhibit "F."

12. Thus, Debtor(s)' post-petition arrearage totaled the sum of \$23,061.47, less suspense balance of \$872.16 through March 31, 2025.

13. As of March 14, 2025 the current unpaid principal balance due under the loan documents is approximately \$514,029.02. Movant's total claim amount, itemized below, is approximately \$554,552.04. See Exhibit "F."

Principal Balance	\$514,029.02
Interest (From 09/01/23 To 03/14/25)	\$25,249.31
Escrow Advance	\$17,235.16
Recoverable Balance	\$1,675.68
Suspense	(\$3,637.13)
Total to Payoff	\$554,552.04

14. According to the Debtor(s)' schedules, the value of the property is \$646,034.00. A true and accurate copy of the Debtor(s)' Schedule A/B is attached hereto as Exhibit "G."

15. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay

and Co-Debtor stay for “cause” which includes a lack of adequate protection of an interest in property. Sufficient “cause” for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

16. As set forth herein, Debtors have defaulted on their secured obligation as they have failed to make their monthly post-petition installment payments.

17. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Movant, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.

18. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Movant requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Movant, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit WELLS FARGO BANK, N.A., AS TRUSTEE , FOR PARK PLACE SECURITIES, INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-WCW1 to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys’ fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: April 24, 2025

**Robertson, Anschutz, Schneid, Crane
& Partners, PLLC**

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